



DAC

Patents
Attorney Docket No. 70,840

In the Patent and Trademark Office

In re: Snail et al.
Serial No.: (Unassigned)
Filed: (Unassigned)
For: INFRARED INTEGRATING SPHERE

Examiner: (Unassigned)
Art Unit: (Unassigned)



Interview Summary Record
and
Supplemental Petition to Take Action

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20230:

Attn: Mr. Robert Spar
Special Program Law Office
Box DAC



Sir:

This concerns my telephone conversation with you this afternoon, and, immediately before that, with two members of your office concerning the above styled application. When our conversation ended, I was left with the impression that you would have the petition denied *pro forma*. I ask that you not do that for the following reasons.

The petition is for the PTO to take action on this case. The application was filed over a decade ago, and Applicants have received no correspondence from the PTO save for the stamped receipt the PTO returned when the application was filed, a copy of which accompanied the petition. Given the length of time, and the lack of any correspondence to Applicants despite their earlier status inquiries, it appears likely that the application was lost shortly after filing in the PTO, although the PTO has

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never stated this, either formally or informally.

My discussion with the two members of our office centered around the case lacking a serial number, and hence them questioning at length whether the petition could be acted on at all. To refuse to act on a petition is the deny it *sub silentio*, so I asked each of them in turn to confirm this position in writing, which was refused each in turn on the same ground, i.e. it was unclear that there was anything to petition. Towards the end of the conversations, one of the members of your office suggested that I forward a copy of the application papers. I asked whether this would convince them to take action on the petition one way or the other, but was told only that the papers would be "looked at," and nothing more. I then asked what acts your office believes Applicants should take to ensure that the petition would be acted on, and would your office respond to the petition by putting these acts in writing. This too was refused. At that point I telephoned you, and finally did get an indication that the petition would be acted on, and likely denied for want of my co-operativeness.

As I mentioned on the phone, co-operation is a two way street. Beyond that, I have a client whom I am ethically obligated to protect. I suggest that our respective offices reassess what should be done in this case and establish a basis that offers the possibility of productive co-operation. Towards

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that end, I have taken up the suggestion made by one of the members of your office at the tail end of our conversation, and forwarded herewith a copy of the application papers as originally filed. I hope this will facilitate things. However, this does not *per se* alter the situation. My office has filed a petition to have this application acted on, and, for that reason alone, the PTO owes some kind of substantive response. I cannot emphasize this strongly enough in view of the consistent refusal of the members of your office to agree to this simple premise, or, in the alternative, to state what one might do to ensure the petition being considered. Granted, this is an oddball case. But being oddball does not make it a case one can ignore on that account. For me to sacrifice this premise in the name of co-operation would be wrongful.

Moreover, the receipt card shows that Applicants filed a patent application. The Commissioner has a statutory obligation to examine properly filed applications, despite the passage of time, and despite the application papers apparently being lost prior to accordation of a serial number.

I remain more than willing to cooperate in any way that promises to move the case forward on the merits. I ask that your office meet me half way in the same spirit. A suggestion how this might be done was the one made during the conversations: that your office state explicitly to Applicants what acts would cause

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your office to act on the petition.

Respectfully submitted,

A handwritten signature in cursive script, reading "Edward F. Miles". The signature is written in dark ink and is positioned above the typed name and contact information.

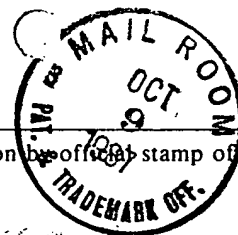
Edward F. Miles
Reg. No. 30,573
Tele.: (202)-404-1556

August 20, 1999
Office of the Associate Counsel (Patents)
Naval Research Laboratory, Code 3008.2
Washington, D.C. 20375-5325



NAVY CASE NO. 70,840
SERIAL NO. C
APPLICANT Keith A. Snail et al.

Receipt of the following application papers is evidenced hereon by official stamp of the
U. S. Patent and Trademark Office:



COPY

Title INFRARED INTEGRATING SPHERE

No. pages Spec. 30

No. Claims 6

No. Sheets Dwg. 2

Declaration *Shu 10/9/87*

Information Disclosure
Statement

Declaration of Keith
A. Snail

Assignment of Snail.

Filed by Deposit Acct. 04-0814

Shu 9/10/87

Navy Case 70,840



JC530 U.S. PTO

09/430132



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application:
Keith A. Snail
Kevin L. Carr
For: INFRARED INTEGRATING SPHERE

NOTICE OF FILING UNDER 37 C.F.R. 1.53(d)

Honorable Commissioner of Patents and Trademarks
Washington, D. C. 20230

Sir

COPY
Please take notice that the above styled application for Letters Patent is filed without an inventor's declaration, pursuant to 37 C.F.R. 1.53(d) ("Rule 53(d)") so as to secure an early filing date. Upon the notice to applicants required by Rule 53(d) Applicants will file their declaration within the time period given them by the Patent Office pursuant to this Rule.

Respectfully submitted,
Keith A. Snail
Kevin L. Carr


THOMAS E. MCDONNELL
Reg. #26950

Em d



DEPARTMENT OF THE NAVY
OFFICE OF THE GENERAL COUNSEL

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5870/1208.2

COUNSEL FOR THE
NAVAL RESEARCH LABORATORY
WASHINGTON, D.C. 20375-5000



Navy Case No. 70,840

Commissioner of Patents and Trademarks
Washington, DC 20231

COPY

Applicant: Keith A. Snail et al.
For: INFRARED INTEGRATING SPHERE

Sir:

Forwarded herewith is the Assignment to the Government of the entire right, title, and interest in and to the above-identified Application. It is requested that this Assignment be recorded under the provisions of 35 U.S.C. 261 and that it be returned to:

Associate Counsel (Patents)
Code 1208.2
Naval Research Laboratory
Washington, DC 20375-5000

Kindly charge the cost for this service to Deposit Account No. 04-0814.

Respectfully,

Thomas E. McDonnell
THOMAS E. McDONNELL
Reg. No. 26950

Encl:
(1) Assignment

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04-0814 020 518

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BEST AVAILABLE COPY

Decision
Statement
to A/N

ASSIGNMENT

WHEREAS, I (we) Keith A. Snail and Kevin F. Carr

of Washington, DC and

Sunapee, New Hampshire

Have invented certain new and useful improvements in INFRARED INTEGRATING SPHERE

COPY

further identified as Navy Case No. 70,840, for which ~~I am~~ (we are) about to file application for Letters Patent of the United States of America, which application was executed by me (us)

on the 9th day of October, 1987; and

WHEREAS, the Government of the United States, represented for the purpose hereof by the Secretary of the Navy and hereinafter referred to as the Government, is desirous of acquiring an assignment of the invention disclosed in said application and other rights and benefits herein granted; and

WHEREAS, uniform rules and regulations have been promulgated for the determination of the relative rights of the Government and its employees in and to their inventions;

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration the receipt of which is hereby acknowledged, I (we) hereby assign and transfer to the Government the full and exclusive right in and to said invention within the United States of America, its territories and possessions, and the entire right, title and interest in and to said application and such Letters Patent as may issue therefrom; said invention, application and Letters Patent to be held by the Government to the end of the term for which said Letters Patent may be granted, as fully and entirely as the same would have been held by me (us) had this assignment not been made.

I (We) hereby grant to the Government an assignment of the foreign rights in and to said invention, including rights to priority under the International Convention of Paris (1883), as amended.

I (We) hereby further agree to make, execute, and deliver to the Government, upon request, but at the expense of the Government, any and all papers, documents, affidavits, statements, or other instruments that may be necessary in the prosecution of said application and of any substitutions, divisions, continuations of said application, or applications for reissues of said Letters Patent, and further agree to assist the Government in every way in protecting said invention as may be requested, provided that any expense arising through extending such assistance will be paid by the Government.

I (We) hereby covenant that I (we) have the right to grant the foregoing assignment.

IN TESTIMONY WHEREOF, I have set my hand and

affixed my seal.

9 October 1987

(date)

Keith A. Snail

KEITH A. SNAIL

Seal

(date)

(date)

COMMISSIONER OF PATENTS
AND TRADEMARKS OFFICE

OCT - 9 1987

RECORDED
PATENT & TRADEMARK OFFICE

REF 4772 FRANT 56

BEST AVAILABLE COPY